

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

HON. PAUL A KATZ

CLERK OF THE COURT
C. Smothers
Deputy

IN RE THE MARRIAGE OF
BRENDA LEE MANGANELLI

ANGELA ADAMS

AND

ROBERT JAMES MANGANELLI

JAMES S BRUCE JR.

CONCILIATION SERVICES-NE

TRIAL SETTING

Courtroom 111 – Northeast Regional Court Center

9:51 a.m. This is the time set for a Return Hearing regarding Petitioner's Petition for Order to Show Cause Re: Temporary Orders *Pendente Lite* filed October 28, 2010. Petitioner/ Mother is present with above-named counsel. Respondent/Father is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

Pursuant to the matters presented,

IT IS ORDERED the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

IT IS FURTHER ORDERED directing the Parenting Conference Provider to conduct an interview of the minor child, Tony Manganeli (DOB: 06/15/1994), after the completion of the Parenting Conference.

IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the **\$300 per party** fee at the Clerk of the Court filing counter. Forms to request a fee deferral are available at the filing counter.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS FURTHER ORDERED that in the event that the parties timely cancel the Parenting Conference, a separate Child Interview will schedule with Conciliation Services.

IT IS FURTHER ORDERED setting Trial to the Court on **April 18, 2011, at 1:30 p.m.** (time allotted: ½ day) in this Division, at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 111
Phoenix, AZ 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

DISCLOSURE/DISCOVERY

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **at least 30 days** prior to trial.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **at least 15 days** prior to trial.

3. Counsel and both parties shall personally meet, face to face, at least twenty (20) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

JOINT PRE-TRIAL STATEMENT

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than **10 days** prior to trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Information completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor un-emancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

EXHIBITS

Prior to the preparation of the Joint Pretrial Statement the trial lawyers (or the parties, if unrepresented) shall make an appointment for themselves or their knowledgeable assistants to meet to exchange all exhibits. All trial exhibits shall have been exchanged prior to that time. **No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.**

IT IS FURTHER ORDERED all exhibits to be offered at time of hearing shall be **hand-delivered** to the clerk of this Division **at least 5 days prior to date of hearing**. Each exhibit shall be listed on a table of contents and **separated by a sheet of colored paper** to easily identify where one exhibit ends and the next begins. **Each exhibit must be stapled** in the upper left hand corner, or bound in some fashion if too large to be stapled, to prevent separation of the exhibit during trial. Your exhibits will be returned to you if they are submitted without being permanently bound! If it is not possible to bind an exhibit, please contact this Division via telephone or e-mail. **Do not submit the exhibits in three ring binders.** A bench copy is not necessary.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement any exhibits that the parties specifically agree are admissible at the hearing. **Exhibits not stipulated to by the parties must be moved into evidence at trial.**

FINDINGS OF FACT

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, *Arizona Rules of Family Law Procedure*, shall submit proposed findings of fact and conclusions of law to this Division **no later than 20 days prior to trial**. Any controvert findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial. All proposed findings of fact and conclusions of law shall also be submitted on a CD or disc in Word format.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*.

NOTE: Should the parties reach a full agreement prior to the date of the hearing, the
Docket Code 089 Form D089 Page 5

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053935

12/08/2010

Court will consider a motion to vacate the hearing **only after a signed stipulated agreement is presented to the Court.**

POSTPONEMENTS AND SCHEDULE CHANGES

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court business days before the scheduled hearing.

10:13 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.